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SUBJECT: FADING JUDICIARY REPUTATION TAKES TWO MORE HITS

Classified By: A/DCM D.C. McCullough, reason para 1.4 d.

¶1. (SBU) Summary. The appointment of 17 dubious judges to the High Court and the dropping of two more corruption charges against former President Ershad have further sullied the reputation of Bangladesh's judiciary. End Summary.

Judges of Ill Repute

¶2. (SBU) On August 23, 17 newly-confirmed High Court justices took the oath of office. The Supreme Court Bar Association (SCBA), a pro-Awami League group, and opposition political figures like Kamal Hussain condemned the GOB's appointments as political and detrimental to the integrity and independence of the judiciary. SCBA held a rally demanding the cancellation of the appointments, and threatened to boycott the particularly controversial Justice Faizee.

¶3. (SBU) Doubts about the integrity and capability of the judges are widespread. According to a barrister who advises two government agencies and who is favorably known to the Embassy, most of the 17 judges are infamous for exceptionally low levels of judicial competence. He noted that the High Court was already burdened by previous appointments of dubious merit, and that the paucity of capable judges has meant even longer case delays for those judges able to manage a case, especially on technical matters. For example, only one bench deals with company, trademark, admiralty, and related matters while previously one bench dealt exclusively with company matters.

¶4. (C) Attorney General Muhammad Ali told us that PMO insider S.Q. Chowdhury, no stranger himself to corruption allegations, played a key role in picking the judges, including the notorious Justice Joynul Abedin, whom Chowdhury reportedly said had the advantage of "our" thief. Abedin, Ali added, has a reputation for being one of three senior judges who make little pretense of taking bribes from litigants.

¶5. (SBU) Abedin's selection superseded three more senior judges, including Syed Amirul Islam, who was passed over for the fourth time, apparently because of alleged Awami League sympathies, even though he was appointed by the ruling Bangladesh Nationalist Party. Abedin led the one-member judicial inquiry of the August 21 grenade attack on Awami League leaders in Dhaka. His still-unpublished report largely toed the BNP line by blaming India for the attack.

¶6. (SBU) The other controversial appointment is Justice Faizee, who has survived allegations when he became an additional judge in 2004 that his law degree is fake. Law Ministry officials have apparently ignored a directive from

President Iajuddin Ahmed in 2005 to investigate the degree's legitimacy.

Two More Down for Ershad

17. (SBU) Meanwhile, on August 24, two long-standing corruption charges against former president Ershad were dropped after the investigating officer told the court the charges could not be proven. Ershad has stated he will join the ruling coalition if all corruption charges against him are satisfactorily resolved.

Comment

18. (C) The day is long gone when the High Court was trumpeted as the most respected civilian institution in Bangladesh, though what might replace it is unclear (the Foreign Ministry?). While the lower courts have long been seen as corrupt and heavily politicized, the High Court was held to be relatively honest and independent of executive branch influence. Last month, a group of High Court judges demarched the Chief Justice to express outrage at arbitrary case assignments and judgments with obviously no legal merit; the Chief Justice reportedly expressed sympathy but said there was little he could do.

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